

STATE OF WISCONSIN
Board of Nursing

IN THE MATTER OF RULE-MAKING PROCEEDINGS BEFORE THE
BOARD OF NURSING

PROPOSED ORDER OF THE BOARD OF NURSING ADOPTING RULES
(CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Board of Nursing to amend N 7.01 (2) and N 7.03 (intro) relating to grounds for denying a credential.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 441.07

Statutory authority: ss. 15.08 (5) (b) and 441.01 (3), Stats.

Explanation of agency authority:

The board shall promulgate rules for the guidance of the profession and define and enforce professional conduct and unethical practices not inconsistent with the law relating to nursing.

The board may establish rules to prevent unauthorized persons from practicing professional nursing and approve all rules for the administration of ch. 441, Stats.

Related statute or rule: Ch. N 7

Plain language analysis:

This rule clarifies that ch. N 7 also provides grounds for denying an initial license or certificate. 2013 Act 114 amended s. 441.07, Stats to give authority to the board to deny an initial license or certificate. This rule updates ss. N 7.01 (2) and N 7.03 (intro) to reflect that change in authority.

Summary of, and comparison with, existing or proposed federal regulation: None

Comparison with rules in adjacent states:

Illinois: Illinois specifies unethical or unprofessional conduct is grounds for discipline as well as grounds for refusing to issue a license.

Iowa: Iowa does not specify that the grounds for discipline are the same for denying an initial license.

Michigan: Michigan does not specify that the grounds for discipline are the same for denying an initial license.

Minnesota: Minnesota specifies the grounds for discipline are the same grounds for denying an initial license.

Summary of factual data and analytical methodologies:

The board incorporated the authority to deny an initial license into rules of conduct chapter.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The rule was posted for economic comments for 14 days and none were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Eric.Esser@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue,

Room 151, P.O. Box 8366, Madison, WI 53708-8366, or by email to Sharon.Henes@wisconsin.gov. Comments must be received at or before the hearing to be held at 8:00 a.m. on October 8, 2015 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. N 7.01(2) is amended to read:

N 7.01 (2) The intent of the board of nursing in adopting this chapter is to specify grounds for denying an initial license or certificate or limiting, suspending, revoking, or denying renewal of a license or certificate or for reprimanding a licensee or certificate holder.

SECTION 2. N 7.03 (intro) is amended to read:

N 7.03 Grounds for denying ~~renewal~~ or disciplinary action. The grounds for denying ~~renewal~~ or taking disciplinary action on a license or certificate are any of the following:

SECTION 3. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)
